

1                                   **PAGOSA LAKES PROPERTY OWNERS ASSOCIATION, INC.**  
2                                   **Regular Board Of Directors Meeting**  
3                                   **Thursday, November 09, 2006**  
4                                   **MINUTES**

5  
6 President Gray called the regular monthly meeting of the Pagosa Lakes Property Owners  
7 Association Board of Directors to order at 7:00 P.M. in the Pagosa Lakes Community Center,  
8 230 Port Avenue, Pagosa Springs, Colorado.

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10 **BOARD MEMBERS PRESENT**

11 ~~~~~  
12 Gary Gray –President  
13 Hugh Bundy – Vice President, absent and excused  
14 Fred Uehling – Treasurer  
15 Pat Payne – Secretary  
16 Fred Ebeling – Director  
17 Alan Schutz – Director, absent and excused  
18 Ken Bailey – Director

10 **STAFF PRESENT**

11 ~~~~~  
12 General Manager – Walter Lukasik  
13 Recording Secretary - Gloria Petsch

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20  
21 **APPROVAL OF AGENDA & MINUTES**

22  
23 **Agenda-**

24       **Director Ebeling made a motion to approve the agenda. Director Bailey seconded**  
25       **the motion. Motion carried unanimously.**

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27 **Minutes of the October 12, 2006 Regular Board Meeting Minutes, Worksession Notes of**  
28 **October 9, 2006, and Worksession Notes of October 18, 2006 -**

29       **Director Uehling made a motion to accept all minutes as written. Director Bailey**  
30       **seconded the motion. Motion carried unanimously.**

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33 **GENERAL MANAGER’S REPORT -**

34  
35 **1) In addition to the Department Managers’ reports, the following comments are noted:**

36       **ACCOUNTING: None other than as included in departmental report.**

37       **DCC: None other than as included in departmental report.**

38       **DPE: None other than as included in departmental report**

39       **DRA: The pool is OPEN. Drop by for a dunk. See Departmental report.**

40  
41 **2) The Sheriff’s Department Animal Control statistics for the month of September show 7**  
42 **dogs impounded, 5 welfare checks, 0 cruelty cases, 6 dogs returned to owners, 15 verbal**  
43 **warnings issued, 2 dangerous dog calls/quarantines, 2 dog bite cases (one case involved**  
44 **dachshunds and the other case was a dog versus dog), 4 written warnings given, 45**  
45 **miscellaneous citizen contacts made, 59 calls from dispatch to the animal control officer for**  
46 **service.**

1           The **Sheriff's Department Animal Control** statistics for the month of October show 10  
2 dogs impounded, 7 welfare checks, 0 cruelty cases, 3 dogs returned to owners, 15 verbal  
3 warnings issued, 0 dangerous dog calls/quarantines, 1 dog bite cases, 0 written warnings given,  
4 40 miscellaneous citizen contacts made, 51 calls from dispatch to the animal control officer for  
5 service.

6  
7 **3)** No new information regarding the **transfer of greenbelt properties** from Fairfield  
8 Resorts to the Pagosa Lakes POA. Calls were placed to speak to Fairfield concerning greenbelt  
9 spaces for possible RV parking, but as of this writing, no response has been received. I will be  
10 meeting with Eric Hagman of Fairfield Pagosa on Friday, Nov. 10, at 4 pm.

11  
12 **4)** Pagosa Lakes POA has **fourteen (14) Covenant Compliance legal issues pending** with  
13 counsel at the present time.

14  
15 **5)** The replacement of the **Clubhouse/Office parking lot** is completed.

16  
17 **6)** **The work session for the Board of Directors to review and discuss the 2007**  
18 **proposed Budget and Reserve Forecast is set for 9 AM on Monday, November 13th.** It will  
19 be held in the Conference Room at the Administration Office. The DRAFT budget has  
20 undergone minor changes as we continue fine-tuning. The revised DRAFT will be presented at  
21 the work session.

22  
23 **7)** **Reported in my October Manager's Report to the Board** - At the September Board  
24 Meeting, Ms. Jan Standish, property owner in Vista Subdivisions stated problems her  
25 neighborhood is having with barking dogs. Captain Reilly has scheduled the meeting with the  
26 Vista Subdivision owners for Dec. 6<sup>th</sup> at the Clubhouse.

27  
28 **8)** At the October Board meeting, **Director Ebeling recommended changing the term**  
29 **"Building Permit" to "Approval of External Structure Appearance"** for those construction  
30 projects approved by the ECC. While the Declarations do not provide the specific language for  
31 such a "document", I believe the term "Approval of External Structure Appearance" does not  
32 convey the entirety of the intent of the "document". While the ECC does approve the exterior  
33 appearance of structures, the ECC also approves variances, boat docks, signs, sheds and their  
34 placements, structural locations on lots, fences, decks, and a myriad of other requests made by  
35 property owners. Year to date in 2006 the Association has processed 126 structures such as  
36 homes and commercial properties. It has also processed an additional 483 "other" projects. The  
37 current document, entitled "Building Permit" is used for all projects and conveys the approval by  
38 the Association for the property owner to construct, modify or maintain all types of items on  
39 their property. **Director Ebeling requested that we change the wording to "Improvement**  
40 **Permit"**.

41  
42 **9)** **At the October Board meeting, Director Bundy asked me to verify with counsel the**  
43 **appropriateness of Board Resolutions regarding the Environmental Control Committee'**  
44 **direction to the Department of Covenant Compliance. Following is counsel's opinion:**  
45

1 As requested, I have reviewed Resolutions 2005-18 and 2005-19. I do not believe that  
2 either resolution improperly delegates power or authority from the ECC to the DCC.  
3 Resolution 2005-19 allows the DCC to issue a building permit if all requirements are  
4 met. PLPOA has extensive written requirements and it is usually not difficult to  
5 determine whether the requirements are met. The DCC reviews and makes  
6 recommendations to the ECC, but the ECC is still responsible for approving the plans,  
7 variances, etc. This is no different than the process the management staff follows to  
8 gather and review information and make recommendations to the Board, which is  
9 ultimately responsible for the final decision.

10  
11 Lauren C. Holmes  
12 ORTEN CAVANAGH RICHMOND & HOLMES, LLC  
13

14 **10)** The Association's first Senate Bill mandated **Owner Orientation** was held on October  
15 18th. While only seven property owners attended, the presentations were well done and very  
16 positive feedback was received from the attendees. We are reviewing methods of increasing  
17 attendance and studying when to hold future orientations. Ideas include more advertising in the  
18 Pagosa Springs Sun, increased numbers of flyers at the office and the Rec Center and more  
19 prominent notices in the Association Newsletter. Future plans will be announced to the Board  
20 prior to scheduling the next orientation.

21  
22 **11)** Correspondence was forwarded to the Declarants of the **North Village Lake Property**  
23 **Owners Association** voicing the concerns of the Pagosa Lakes Property Owners Association  
24 over the provisions contained in the documentation created for that Association. I will keep the  
25 Board informed of any information received from the Declarants or their counsel. I am meeting  
26 with the Declarants attorney, Larry Holtus, and participating in a conference call with him to our  
27 counsel, Jerry Orten, Thursday, Nov. 16, at 9:30 am.

28  
29 **12)** The Association has received a **response from the Andersons**. He responded to the  
30 rental situation, but has not responded to the amounts of traffic that is going through the  
31 neighborhood. The Board requested that the response to the Andersons include replying that the  
32 Association strongly discourages group activities, items of a commercial nature, trespassing  
33 issues, and the parking of large vehicles in cul-de-sacs.

34  
35 **13)** We received bids for **replacing the carpeting in the Administration building**. There  
36 were two different prices provided; all carpet, or a mixture of tile and carpet. The Board made  
37 the decision to go with the all-carpet configuration.

38  
39 **14)** Paul Roberts, with **Elation Center for the Arts**, has requested that the Association allow  
40 the Center to purchase a piano and store it at the clubhouse for their events. The Board has  
41 agreed with the request, with the added proviso that the Center sign a written agreement that  
42 absolves the Association of all liability, that the Center provide a cover for it, and that the  
43 Association may have the use of it without charge for any events the Association sponsors.

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45 **15)** **Rob Felix, of Association Reserves**, spent three days here and did a thorough job. He  
46 will have his report to us by the end of next week.

1 **16) Regarding the annual Animal Control Contract**, the only changes for 2007 are the  
2 dates, Paragraph 9, which extends the contract for two years, and can be terminated by either  
3 party with a 30 day written notice; and Paragraph 3, which includes a 6% increase for the Animal  
4 Control officer's cost. Director Ebeling made a motion to authorize the Board President to sign  
5 the completed contract if no major changes are made. Director Payne seconded the motion.  
6 Motion carried unanimously.

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9 **PUBLIC COMMENTS**

- 10  
11 • **None.**

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13 **TREASURER'S REPORT**

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15 **The October 2006 financial documents have been reviewed.** No discrepancies or irregularities  
16 were noted. As noted in the General Manager's report, the Association has received \$981,000, or  
17 96.5 % of the total \$1,017,000 2006 billed assessments through October 31, 2006. Collections  
18 were 0.7 % ahead compared to the same period in 2005.

19  
20 Recently a new truck with a plow was purchased for the Association for a total of \$ 43, 710.00.  
21 That was over budget by about \$ 2,763.00. The older truck being replaced was sold for  
22 \$6,650.00, thereby putting us in the black by \$ 3,886.95.

23  
24 **COMMITTEE REPORTS**

- 25  
26 ○ **Recreation Center Committee** — No report at this time.  
27 ○ **Lakes, Fisheries & Parks Committee** –Minutes of the 10/24/06 meeting were  
28 included in the Board packet.  
29 ○ **Ad Hoc Lake Study Committee** – No report at this time.  
30 ○ **Ad Hoc Signage Committee** – Cost estimates for two major Pagosa Lakes signs  
31 have been received and will be presented during Budget review.  
32 ○ **Road Advisory Committee** – No report at this time.  
33 ○ **Finance Advisory Committee** – No report at this time.  
34 ○ **ECC agendas and minutes** are included in the DCC report. ECC board liaison  
35 Arthur Matcham's report was included in the Board packet.

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38 **OLD BUSINESS**

- 39  
40 ○ **None at this time.**  
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1 **NEW BUSINESS**

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- 3
- 4 **1. Discussion of Alternative Dispute Resolution policy, which must be adopted by**
- 5 **January 1, 2007, in accordance with Senate Bill 100.** Director Uehling made a motion
- 6 to accept the Dispute Resolution Policy and Procedure supplied by counsel. Director
- 7 Payne seconded the motion. Motion carried unanimously. The Board will be provided
- 8 with a formal Resolution for signatures at the December Board Meeting.
- 9
- 10 **2. Director Gray discussed long range planning for the Association. See Hemlock**
- 11 **Farms Vision/Action Plan previously distributed.** Director Gray would like to see the
- 12 Association come up with and implement a 5-10 year plan, with clear-cut deadlines. He
- 13 feels that if we show the property owners some progress and a future planning guide, we
- 14 could prompt owner response and participation. Director Ebeling disagrees. He feels that
- 15 the property owners' lack of response signifies satisfaction with the current state of
- 16 affairs. The Board requested that all previous surveys and their responses be compiled
- 17 and presented in a future report to the Board, and to include the previous Long Range
- 18 Plan Committee comments in the report.
- 19
- 20 **3. Motion to approve Boat Registration program.** The Board discussed the issue and
- 21 decided to strike the portion of the program requiring boats to be removed from storage.
- 22 The Board also decided to change the impound period to 60 days, from the prior wording
- 23 of "at least 90 days". General Manager Lukasik will make the requested changes and
- 24 present a Resolution to the Board in December.
- 25
- 26 **4. There are five (5) remaining, uncorrected unprotested fines for Board ratification**
- 27 **this month.** Director Bailey made a motion to affirm the five unprotested fines. Director
- 28 Uehling seconded the motion. Motion carried unanimously.
- 29
- 30

31 **ADJOURNMENT**

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33 There being no further business, the meeting was adjourned at 8:24 P.M.

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35 Respectfully Submitted,

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38 Gloria Petsch, Recording Secretary

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Leona F. Payne, Secretary